



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 112-90

To amend By-law 151-88 (part of
Lot 3, Concession 5, E.H.S. in the
geographic Township of Chinguacousy)

The council of The Corporation of the City of Brampton
ENACTS as follows:

1. By-law 151-88, as amended, is hereby further amended:

(1) by changing on Schedule A, Sheet 64C thereto, the zoning designation of the lands shown outlined on Schedule A to this by-law from "COMMERCIAL ONE (C1)" to "COMMERCIAL TWO - SECTION 505 (C2-SECTION 505)", such lands being part of Lot 3, Concession 5, East of Hurontario Street, in the geographic Township of Chinguacousy, now in the City of Brampton.

(2) by adding thereto the following as Section 505:

"505. The lands designated C2 - SECTION 505 on Schedule A, Sheet 64C to this by-law;

505.1 shall only be used for the purposes permitted in the C2 Zone by section 31.2;

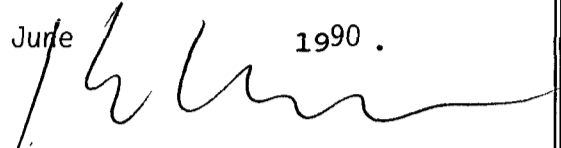
505.2 shall also be subject to the following requirements and restrictions:

(1) The maximum gross leasable floor area permitted for a supermarket shall be 2,229.6 square metres.

505.3 shall also be subject to the requirements and restrictions relating to the C2 zone, and all general provisions of this by-law.

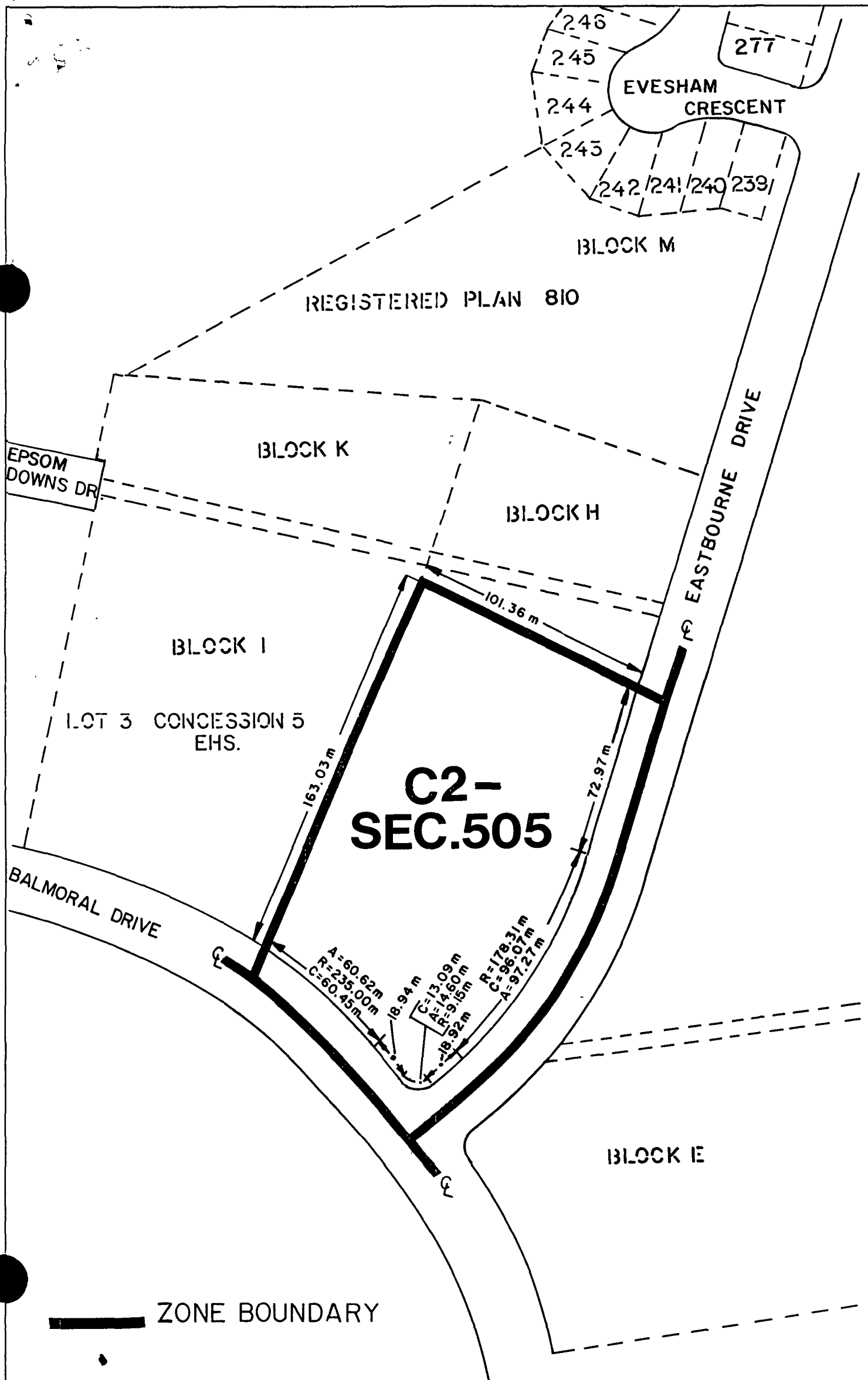
READ a FIRST, SECOND and THIRD TIME, and PASSED, in OPEN COUNCIL, this 25th day of June 1990.

APPROVED
AS TO FORM
LAW DEPT
BRAMPTON
wee
DATE Robert


KENNETH G. WHILLANS - MAYOR


LEONARD J. MIKULICH - CLERK

17/90/icl/jo



PART LOT 3 CON.5,E.H.S.(CHING.)
 BY-LAW 151-88,SCHEDULE A, SHEET 64 C



CITY OF BRAMPTON
 Planning and Development

By-Law 112-90 Schedule A

1:1840

Date: 1990 05 04 Drawn by: K. M. H.
 File no. C5E3.10 Map no. 64-20D

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185
7/16 115-90 v
117-90 v

OB#	88	FOLIO#	139
ORDER ISSUE DATE			
JUL - 3 1991			
OB#	089-	FOLIO#	109



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

O 890153	Z 890196
O 900158	O 900159
R 900499	R 900500
M 890113	M 900059

IN THE MATTER OF Section 22(1) of the Planning Act, 1983

AND IN THE MATTER OF a referral to this Board by the Honourable Minister of Municipal Affairs on a request by Graywood Developments Ltd. for consideration of a proposed amendment to the Official Plan for the City of Brampton to redesignate the lands comprised of Block C, Plan 636, known municipally as 70 Bramalea Road, from Industrial to Commercial to permit a neighbourhood commercial plaza
 Minister's File No. 21-OP-0031-A11
 OMB File No. O 890153

IN THE MATTER OF Section 34(11) of the Planning Act, 1983

AND IN THE MATTER OF an appeal by Graywood Developments Limited for an order amending By-law 861 of the Corporation of the City of Brampton to rezone from "M5S" Industrial to "C5A" Commercial the lands comprising Block C, Plan 636, municipally known as 70 Bramalea Road to permit the construction of a neighbourhood shopping centre
 OMB File No. Z 890196

IN THE MATTER OF Section 17(11) of the Planning Act, 1983

AND IN THE MATTER OF a referral to this Board by the Minister of Municipal Affairs, on a request by Graywood Developments Limited for consideration of Amendment Nos. 179 and 179A to the Official Plan for the City of Brampton
 Minister's File No. 21-OP-0031-179
 OMB File No. O 900158

IN THE MATTER OF Section 17(11) of the Planning Act, 1983

AND IN THE MATTER OF a referral to this Board by the Honourable Minister of Municipal Affairs, on a request by Graywood Developments Limited for consideration of Amendment No. 180 to the Official Plan for the City of Brampton
 Minister's File No. 21-OP-0031-180
 OMB File No. O 900159

RECEIVED
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REG. No.: 4260
 FILE No.: C6W

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IN THE MATTER OF Section 34(18) of
the Planning Act, 1983

AND IN THE MATTER OF an appeal by
Graywood Developments Limited and
S. J. Pilat against Zoning By-law
112-90 of the Corporation of the
City of Brampton
OMB File No. R 900499

IN THE MATTER OF Section 34(18) of
the Planning Act, 1983

AND IN THE MATTER OF an appeal by
Graywood Developments Limited
against Zoning By-law 115-90 of the
Corporation of the City of Brampton
OMB File No. R 900500

IN THE MATTER OF Section 40(12) of
the Planning Act, 1983

AND IN THE MATTER OF an appeal by
Graywood Developments Ltd. to settle
the terms and conditions of a site
plan with respect to the development
of an automotive service centre on
lands composed of Block C, Plan 636,
known municipally as 70 Bramalea
Road, in the City of Brampton
OMB File No. M 890113

IN THE MATTER OF Section 40(12) of
the Planning Act, 1983

AND IN THE MATTER OF a referral by
Graywood Developments Ltd. to settle
and determine terms and conditions
of a site plan and agreement with
respect to the development of lands
comprising of Block C, Registered
Plan 636, known municipally as 70
Bramalea Road, in the City of
Brampton
OMB File No. M 900059

C O U N S E L :

R. R. MacDougall & J. A. Matera	- for	The Corporation of the City of Brampton
R. D. Cheeseman	- for	S. J. Pilat and Oshawa Group Limited
L. F. Longo & K. Yerxa	- for	Alliance Developments
L. Schwartz	- for	Anclase Holdings
M. H. Chusid	- for	Graywood Developments Limited

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MEMORANDUM OF ORAL DECISION delivered by R. W. RODMAN
on May 16, 1991 AND ORDER OF THE BOARD

This hearing relates to a number of matters for proposed neighbourhood shopping centres in the City of Brampton. The first application, by Graywood Developments Limited, relates to a proposed new shopping centre on the west side of Bramalea Road just south of Avondale Boulevard. The second application relates to an existing shopping centre located on the north side of Avondale Boulevard about 700 feet west of Bramalea Road. The third application is for the enlargement of an existing shopping centre known as the Southgate Shopping Centre, which centre is located at the northwest corner of two collector roads - Balmoral Drive and Eastbourne Drive.

The hearing commenced in October of 1990 and after six days of hearing it was determined that additional official plan documentation was necessary to allow the Graywood application to be heard. The hearing, therefore, was adjourned until May 13 of 1991 as a result of an earlier October 9, 1990 decision of this panel. At that time the Board was advised that an application was being made to City Council which might considerably shorten the hearing. As a result, the Board adjourned the proceedings and reconvened on May 16, 1991 to consider the various matters.

The application of Graywood involved official plan amendments to permit the proposed shopping centre, as well as a by-law amendment to implement the proposed official plan amendments. Two site plan matters also were before the Board. City Council had refused the Graywood applications and subsequently the matters were referred and/or appealed to the Board. In essence, four Board files dealt with this application.

The Avondale Plaza application is, in the words of the City's planner, Mr. Corbett, "a housekeeping matter to more properly depict the existing Avondale Plaza." That matter originally was appealed by Graywood. The Avondale application included two files; one relating to Official Plan Amendment 180 and the second relating to proposed By-law 115-90.

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The third shopping centre, the Southgate Plaza, relates to a proposed extension and enlargement of an existing shopping centre. Official Plan Amendments 179 and 179A, as well as the proposed implementing By-law 112-90, would implement the proposal for this area. That shopping centre also was under appeal by Graywood.

The latter two shopping plaza matters are supported by the City of Brampton.

When the Board reconvened on May 16, 1991, we were advised of considerable changes to the positions originally taken. Graywood Developments has submitted a new application to City Council for a mixed use development involving 360 apartment dwelling units and a single story retail component of 30,000 square feet of gross floor area, excluding any supermarket use.

Graywood's new proposal was considered by City Council on May 13, 1991. A draft official plan amendment and implementing zoning by-law was approved unanimously by Council. On the basis of Council's action, there are revised positions with respect to the matters before this Board.

Firstly, Mr. Chusid representing Graywood Developments has abandoned his original application for a neighbourhood shopping plaza and consented to an order dismissing his four applications. He also withdrew any appeals or objections to the Avondale and Southgate shopping centre proposals.

Mr. Cheeseman, (on behalf of the Oshawa Group Limited and S. J. Pilat) originally opposed to the Southgate Plaza by-law as well as the Graywood Plaza matters, withdrew his appeals to these matters and indicated his clients will not oppose the aforementioned most recent application of Mr. Chusid's clients, subject to minor changes being made to the draft by-law which was considered by Council. Mr. Chusid advised the Board that his client agrees to the requested minor changes. The same position was taken by Mr. Vickery and Mr. Longo as it relates to their concerns with respect to the Graywood application and any concerns they may have had with respect to any competing plazas.

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The Board hastens to note that we are making no decision with respect to the new proposal by Graywood, in that the process required by the Planning Act obviously will follow. The Board does note, however, the revised positions of the various parties with respect to the matters under consideration. In that regard, the Board heard evidence from the City's planner on the various matters. The Board's decision relating to the various matters is as follows:

1. Since the Graywood applications (Board File Nos. O 890153, Z 890196, M 890113, and M 90059) have been withdrawn, the Board rejects Graywood Developments Limited's proposed official plan amendment and dismisses Graywood's appeal for an order amending By-law 861. The Board allows the appeals of the other parties with respect to Graywood's proposed official plan amendment and proposed by-law. As such, the Board rejects the Official Plan Amendment and refuses the proposed by-law. In addition, the Board dismisses the appeals for consideration of the Site Plan Agreement matters as proposed by Graywood Developments Limited. The Board so orders.
2. The Southgate Shopping Plaza proposal - Official Plan Amendments 179 and 179 A (Board File No. O 900158) and proposed By-law 112-90 (Board File No. R 900499) - involves the demolition of part of an existing shopping centre of some 29,271 square feet. The intention is to rebuild the plaza to a total of 57,369 square feet, including a 24,000 square foot supermarket. The proposal also will include a partial second storey development for office uses.

The site is located on 4.59 acres of a basically rectangular parcel of land, with 261 feet of frontage on Balmoral Drive and 620 feet flankage on Eastbourne Drive. The proposal is located in the Southgate Secondary Plan which extends southerly from Highway 7 to Steeles Avenue and is located between Bramalea Road and Torbram Road. Both flanking roadways are four lane collector roadways.

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Mr. Corbett went into some detail in explaining to the Board his professional opinion that the application is appropriate. He made particular reference to Table 2 of the Official Plan under Section 2.2. That table describes various requirements for the hierarchy of shopping centres in the City of Brampton - the hierarchy being regional, district, neighbourhood and convenience shopping centres. He considers that the application is appropriate for a neighbourhood shopping centre.

Schedule A of the Official Plan now designates the Southgate Plaza as Commercial and no change is necessary to that designation. The Official Plan Schedule F, however, designates the subject as convenience commercial and the proposal is for a neighbourhood commercial designation. With respect to the Secondary Plan aspect of the City's plan, Chapter C10 and Plate 16 of the Consolidated Official Plan designates the subject as a local shopping centre and Mr. Corbett feels the designation should be Neighbourhood Commercial.

At the present time, the City's Comprehensive Zoning By-law 151-88 zones the subject as Commercial One (C1 on sheet 64c of Schedule A). The proposal is for a Commercial Two, Section 505 (C2 - Section 505) to allow the proposed neighbourhood shopping centre. Exhibit 9 is the proposed site plan. It shows the footprint of the existing shopping centre, part of which is to be demolished to allow the proposal now under consideration, as well as the proposal.

Mr. Corbett reviewed his planning criteria relating to site characteristics and feels that the site is already zoned Commercial and the site is appropriate to serve the Southgate Secondary Plan area. Consequently he feels it more appropriate that the area be served by a neighbourhood shopping centre at the location under consideration. He feels the application is compatible with the mixed uses in this area which include apartments,

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recreation services and other facilities immediately adjacent and/or near the subject. It is his opinion that the development capacity of the site is underused at this time and the site use should be expanded to the limits now under consideration. In consultation with his traffic experts, he advised the Board that there is no concern with respect to traffic on the collector roads which type of roadway is a requirement for neighbourhood shopping centres under Table 2. He feels the proposal is good planning for the municipality and that Official Plan Amendments 179 and 179A as well as the proposed by-law amendment (By-law 112-90) are appropriate.

There is no evidence to contradict the planner's position on this matter with the new positions being taken by the various parties. Based on the only evidence now before the Board, that of the City planner, the Board agrees that the proposal is appropriate. In view of the above, the Board approves Official Plan Amendments 179 and 179A as proposed by the City. In addition, the Board dismisses any appeals with respect to the proposed Southgate Shopping Centre By-law 112-90. The Board so orders.

3. The Avondale Shopping Centre - Official Plan Amendment 180 (Board File No. O 900159) and proposed By-law 115-90 (Board File R 900500) is on a local collector roadway known as Avondale Boulevard. At the present time the gross floor area of commercial use is 43,300 square feet, with a full range of retail units including an I.G.A. supermarket of about 11,500 square feet. The other major tenant in the existing complex is a Shopper's Drug Mart having a gross floor area of about 6,400 square feet. It is Mr. Corbett's opinion that the shopping centre is appropriate for use as a neighbourhood commercial shopping centre in terms of the City's shopping centre hierarchy. He feels that the proposed official plan matters, as well as the proposed by-law, are basically housekeeping matters to more properly characterize the existing shopping centre. Table 2 is his main guidance in determining the

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most appropriate designation and use for the Avondale Shopping Centre.

At the present time, the Schedule A official plan designation is commercial and that designation is not to be changed. Schedule F, however, designates the site as Convenience Commercial and Official Plan Amendment 180 would designate the subject as neighbourhood commercial.

The Secondary Plan (Plate 14, Chapter C40 of the Consolidated Official Plan) designates the subject as Community Commercial and it is his evidence that there is no definition for a Community Commercial designation. It is Mr. Corbett's opinion that there is no need to change that Community Commercial designation, as it properly characterizes the existing Avondale Shopping Centre.


The Board is satisfied, on Mr. Corbett's evidence, that the proper designation for the subject is Neighbourhood Commercial. It meets the tests of Table 2 other than for the site size requirement. Table 2 indicates a need of 4 to 8 acres, whereas the subject is 3.62 acres in size. The next lower shopping centre category on Table 2 is the convenience shopping centre which requires a 1 to 2 acre size. Obviously there is a missing link between the two. It is Mr. Corbett's evidence that the policies of the official plan are not inflexible. It is his opinion that the flexibility would allow the Avondale Shopping Centre to be placed in the Neighbourhood Shopping Centre designation. The Board agrees.

The City's Comprehensive Zoning By-law 151-88, Schedule A, being Sheet 63F, zones the subject as Commercial One (C1). The proposal is for a zoning of C1 Special Section 502. It is Mr. Corbett's opinion that it is good planning for the Municipality to more appropriately designate and zone the proposal to more accurately reflect the use which now exists. The Board agrees that the proposed zoning is appropriate and is, in fact, more of a housekeeping matter.

The Board approves Official Plan Amendment 180 as proposed by the City. In addition, the Board dismisses any appeals with respect

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to the proposed Avondale Shopping Centre By-law 115-90. The Board
so orders.



R. W. RODMAN
MEMBER

"J. A. Fraser"

J. A. FRASER
MEMBER